



CITY OF KIRKLAND
PLANNING & COMMUNITY DEVELOPMENT
123 5th Avenue, Kirkland, WA 98033 425.587.3225
www.kirklandwa.gov

APPLICATION FORM: TEMPORARY USE PERMIT

PROCESS: PLANNING DIRECTOR DECISION

PRIMARY CONTACT:

Applicant's name: SHARE/WHEEL and Holy Spirit Lutheran Church Daytime phone: 425-823-2727
Applicant's mailing address: 10021 NE 124th St.
Kirkland, WA 98034

Note: If applicant is not property owner, he/she must be authorized as agent (see page 2)

SECONDARY CONTACT:

Applicant's e-mail address: peteschnebele@msn.com
Property Owner's name: Holy Spirit Lutheran Church Daytime phone: 425-823-2727
Owner's address: 10021 NE 124th St.
Kirkland, WA 98034
Owner's e-mail address: office@hslckirkland.org

A COPY OF THE STAFF REPORT, MEETING AGENDAS AND THE NOTICE OF DECISION WILL BE MAILED TO THE APPLICANT. **PLEASE INDICATE IF YOU WOULD ALSO LIKE A COPY OF THESE MATERIALS TO BE SENT TO THE PROPERTY OWNER:** YES ☐ NO ☒

(1) Property address (if vacant, indicate lot or tax number, access street and nearest intersection):

10021 NE 124th Street
Kirkland, WA 98034

(2) Tax parcel number: 2926059047

(3) The property is zoned: commercial and is presently used as: church/welfare/religious services

(4) Describe permit application and the nature of project (attach additional pages if necessary):
temporary use permit to host a
homeless encampment.

(5) Have there been any previous zoning permits for the subject property? YES If so, what is the Department of Planning and Community Development file number? ZON09-00011, PRE07-00083

(6) Have you met with a planner prior to submitting your application? YES ☒ NO ☐
Name of planner: Sean LeRoy Date of pre-submittal meeting: _____

If you suspect that your site contains a stream or wetland or is adjacent to a lake, you may need a permit from the state or federal government.

**APPLICATION FORM: TEMPORARY USE PERMIT
STATEMENT OF OWNERSHIP/DESIGNATION OF AGENT**

The undersigned property owners, under penalty of perjury, each state that we are all of the legal owners of the property described in Exhibit A, which is attached as page 3 of this application, and designate Peter A. Schnebele to act as our agent with respect to this application.

AUTHORITY TO ENTER PROPERTY

I/we acknowledge that by signing this application I/we are authorizing employees or agents of the City of Kirkland to enter onto the property which is the subject of this application during the hours of 7:00 a.m. to 5:00 p.m., Monday through Friday, for the sole purpose of making any inspection of the limited area of the property which is necessary to process this application. In the event the City determines that such an inspection is necessary during a different time or day, the applicant(s) further agrees that City employees or agents may enter the property during such other times and days as necessary for such inspection upon 24 hours notice to applicant(s), which notice will be deemed received when given either verbally or in writing.

HOLD HARMLESS AGREEMENT - READ CAREFULLY BEFORE SIGNING

The undersigned in making this application certifies under penalty of perjury, the truth and/or accuracy of all statements, designs, plans and/or specifications submitted with said application and hereby agrees to defend, pay, and save harmless the City of Kirkland, its officers, employees, and agents from any and all claims, including costs, expenses and attorney's fees incurred in investigation and defense of said claims whether real or imaginary which may be hereafter made by any person including the undersigned, his successors, assigns, employees, and agents, and arising out of reliance by the City of Kirkland, its officers, employees and agents upon any maps, designs, drawings, plans or specifications, or any factual statements, including the reasonable inferences to be drawn therefrom contained in said application or submitted along with said application.

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Co-Applicant for Holy Spirit Lutheran

Property Owner #1

Signature: Mary Alyse Bungeh

Signature: _____

Name: Mary-Alyse Bungeh

Name: _____

Address: 10021 NE 184 St
Kirkland WA 98034

Address: _____

Telephone: 425 823-2727

Telephone: _____

Co-Applicant VAUGHN STIENECKER

Property Owner #2

Signature: VAUGHN STIENECKER

Signature: _____

Name: VAUGHN STIENECKER

Name: _____

Address: TENT CITY 4

Address: _____

Telephone: 206-618-3901

Telephone: _____

**APPLICATION FORM: TEMPORARY USE PERMIT
STATEMENT OF OWNERSHIP/DESIGNATION OF AGENT**

The undersigned property owners, under penalty of perjury, each state that we are all of the legal owners of the property described in Exhibit A, which is attached as page 3 of this application, and designate Peter A. Schnebele to act as our agent with respect to this application.

AUTHORITY TO ENTER PROPERTY

I/we acknowledge that by signing this application I/we are authorizing employees or agents of the City of Kirkland to enter onto the property which is the subject of this application during the hours of 7:00 a.m. to 5:00 p.m., Monday through Friday, for the sole purpose of making any inspection of the limited area of the property which is necessary to process this application. In the event the City determines that such an inspection is necessary during a different time or day, the applicant(s) further agrees that City employees or agents may enter the property during such other times and days as necessary for such inspection upon 24 hours notice to applicant(s), which notice will be deemed received when given either verbally or in writing.

HOLD HARMLESS AGREEMENT - READ CAREFULLY BEFORE SIGNING

The undersigned in making this application certifies under penalty of perjury, the truth and/or accuracy of all statements, designs, plans and/or specifications submitted with said application and hereby agrees to defend, pay, and save harmless the City of Kirkland, its officers, employees, and agents from any and all claims, including costs, expenses and attorney's fees incurred in investigation and defense of said claims whether real or imaginary which may be hereafter made by any person including the undersigned, his successors, assigns, employees, and agents, and arising out of reliance by the City of Kirkland, its officers, employees and agents upon any maps, designs, drawings, plans or specifications, or any factual statements, including the reasonable inferences to be drawn therefrom contained in said application or submitted along with said application.

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Applicant		Property Owner #1	
Signature:	<u>Mary Alyce Burleigh</u>	Signature:	<u>Mary Alyce Burleigh</u>
Name:	<u>Mary-Alyce Burleigh</u>	Name:	<u>Mary-Alyce Burleigh</u>
Address:	<u>10021 NE 124 ST</u> <u>Kirkland, WA 98034</u>	Address:	<u>10021 NE 124 ST</u> <u>Kirkland, WA 98033</u>
Telephone:	<u>425 823-2727</u>	Telephone:	<u>425 823 2727</u>
Agent (Other than Applicant)		Property Owner # 2	
Signature:	_____	Signature:	_____
Name:	_____	Name:	_____
Address:	_____	Address:	_____
Telephone:	_____	Telephone:	_____

APPLICATION FORM: TEMPORARY USE PERMIT

EXHIBIT A: LEGAL DESCRIPTION

Lot 1 of KC short plat # 1280045
Rec #8111200644 SD SP DAF-N
1/2 of NW 1/4 of NW 1/4 of SW 1/4
less CO roads.

**CRITERIA SHEET
FOR A TEMPORARY USE PERMIT (SECTION 127.20)
PLANNING DIRECTOR DECISION**

1. Explain how the proposed temporary use will not be materially detrimental to the public welfare, or injurious to the property or improvements in the immediate vicinity.
2. Explain how the proposed temporary use is compatible with existing land use in the immediate vicinity.
3. Explain how the proposed temporary use or site plan is not otherwise allowable in the zone in which it is proposed.

RESPONSE

see Attachment 1

APPLICATION FORM: TEMPORARY USE PERMIT

EXHIBIT A: LEGAL DESCRIPTION

Lot 1 of KC short plat # 1280045
Rec #8111200644 SD SP DAF-N
 $\frac{1}{2}$ of NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of SW $\frac{1}{4}$
less CO roads.

- e. The maximum number of residents within a homeless encampment is 100.

see attachment 2

- f. Parking for five vehicles shall be provided.

see attachment 2

- g. A transportation plan is required which shall include provision of transit services.

see attachment 2

- h. The homeless encampment shall be located within one-half mile of transit service.

see attachment 2

- i. No children under 18 are allowed in the homeless encampment. If a child under the age of 18 attempts to stay at the homeless encampment, the managing agency shall immediately contact Child Protective Services.

see attachment 2

- j. No animals shall be permitted in encampments except for service animals.

see attachment 2

PERFORMANCE STANDARDS – HOMELESS ENCAMPMENTS KIRKLAND ZONING CODE 127.25

The following definitions and standards apply to homeless encampments:

1. Definitions

- a. Homeless Encampment – A group of homeless persons temporarily residing out of doors on a site with services provided by a sponsor and supervised by a managing agency.
- b. Managing Agency – An organization that has the capacity to organize and manage a homeless encampment. A “managing agency” may be the same entity as the sponsor.
- c. Sponsor – An entity that has an agreement with the managing agency to provide basic services and support for the residents of a homeless encampment and liaison with the surrounding community and joins with the managing agency in an application for a temporary use permit. A “sponsor” may be the same entity as the managing agency.

2. Standards – Please describe how the application complies with each standard by filling in the blanks below:

- a. An application for a homeless encampment must include a local church or other community-based organization as a sponsor or managing agency. Within the disapproval jurisdiction of the Houghton Community Council, an application must include a local church as a sponsor or managing agency.

see attachment 2

- b. The encampment shall be located a minimum of 20 feet from the property line of abutting properties containing residential uses.

see attachment 2

- c. Sight-obscuring fencing is required around the perimeter of the homeless encampment unless the Planning Director determines that there is sufficient vegetation, topographic variation, or other site conditions such that fencing would not be needed.

see attachment 2

- d. Exterior lighting must be directed downward and contained within the homeless encampment.

see attachment 2

- k. A code of conduct is required to be enforced by the managing agency. The code shall contain the following as a minimum:

- 1) No drugs or alcohol
- 2) No weapons
- 3) No violence
- 4) No open flames
- 5) No loitering in the surrounding neighborhood
- 6) Quiet hours

See attachment 2

- l. The managing agency shall ensure compliance with Washington State and City codes concerning but not limited to drinking water connections, human waste, solid waste disposal, electrical systems, and fire-resistant materials.

See attachment 2

- m. The managing agency shall take all reasonable and legal steps to obtain verifiable identification from prospective encampment residents and use the identification to obtain sex offender and warrant checks from the appropriate agency. All requirements by the Kirkland Police Department related to identified sex offenders or prospective residents with warrants shall be met.

See attachment 2

- n. The managing agency shall permit daily inspections by the City and/or Health Department to check compliance with the standards for homeless encampments.

See attachment 2

**Holy Spirit Lutheran Church and SHARE / WHEEL
TUP Application Addendum**

Attachment 1

**CRITERIA SHEET
FOR A TEMPORARY USE PERMIT (SECTION 127.20)
PLANNING DIRECTOR DECISION**

- 1. Explain how the proposed temporary use will not be materially detrimental to the public welfare, or injurious to the property or improvements in the immediate vicinity.**

Tent City4 has an excellent record of safety in previous neighborhoods. We firmly believe that hosting the encampment will not have material detrimental effects on public welfare. The area directly surrounding Holy Spirit Lutheran Church is composed of high-density residential housing. The up to 100 residents of Tent City will not significantly affect the neighborhood's density and will hardly be noticed. After their stay everyone and everything brought to the property by and for Tent City4 will be removed, returning the property to its previous state.

Many men and women are homeless in King County nightly. There aren't nearly enough shelter beds, so the majority of these homeless people sleep outside, alone and in danger. Consequently, many people die outside or by violence in King County every year.

Our community's Ten Year Plan to End Homelessness created and implemented by the King County Committee to End Homelessness "recognizes that people experiencing homelessness are at immediate personal risk and have a basic right to safety, as do all members of our community. Interim survival mechanisms – services focused on keeping people alive – that respect the rights of all community members and neighborhoods are necessary until such time that affordable permanent housing is available to all."

Tent City4 is an interim survival mechanism that helps keep some of these people, who would otherwise be at great risk, to stay together and be safe. It allows its participants to store their belongings while away from camp at work and appointments, and allows participants to return at hours convenient to their jobs and appointment schedules. Not only do these members of the public benefit from Tent City4 but the public at large benefits by these residents being safe and secure.

2. Explain how the proposed temporary use is compatible with existing land use in the immediate vicinity.

Our site is zoned for a church, and this mission is well within the normal activities of a place of worship, therefore allowable in the zone where it is proposed. Holy Spirit Lutheran Church offers services and support to many vulnerable people on our grounds. We host a community supper every Tuesday for people living in transitional housing (KITH) and we host meetings for Alcoholics Anonymous and many other groups working to make themselves stronger. We hosted the Hopelink Food Bank for nine years. It was a disappointment to us that Hopelink outgrew our site. Outside our grounds, we anticipate only normal foot traffic to and from bus stops and local area businesses; therefore significant impact on these areas is not anticipated. We also believe that because of the dense housing in our area that the residents of Tent City4 will make only a minor impact on the neighborhood.

3. Explain how the proposed temporary use or site plan is not otherwise allowable in the zone in which it is proposed.

We actually believe that because our property is zoned for a church, and because housing the homeless and serving the poor is a traditional and sacred duty of churches, that hosting Tent City4 is allowable in within our zoning. Holy Spirit Lutheran Church has a long-standing, core mission of sheltering and caring for poor and homeless people in our community. We practice this daily in supporting a number of groups which help individuals and the community grow stronger. We are long-term members of the Kirkland Interfaith Network (KIN), Kirkland Interfaith Transitions in Housing (KITH) and the Compass Housing Alliance, we host dinner every Tuesday for residence of KITH in our building and we hosted the Hopelink food bank for nine years before they out grew our space. On a long-term and ongoing basis we donate our time, treasure and talents to organizations such as the Woman's Day Center in Bellevue, Sophia's Way (the Eastside's women's shelter), Eastside Domestic Violence Program's transitional housing and Eastside Habitat for Humanity. Without waiving our constitutional right to practice our religion we are applying for this permit with SHARE and WHEEL in order to work cooperatively with the City of Kirkland and our neighbors.

PERFORMANCE STANDARDS—HOMELESS ENCAMPMENTS Attachment 2
KIRKLAND ZONING CODE 127.25

1. Definitions

no response required

2. Standards – Please describe how the application complies with each standard by filling in the blanks below:

- 2.a. An application for a homeless encampment must include a local church or other community-based organization as a sponsor or managing agency. Within the disapproval jurisdiction of the Houghton Community Council, an application must include a local church as a sponsor or managing agency.**

Holy Spirit Lutheran Church is applying for this Temporary Use Permit as the sponsoring organization along with SHARE/WHEEL which will serve as the managing agency for Tent City4. Holy Spirit Lutheran Church would like to invite Tent City4 to stay on its grounds from January 21, 2012 and April 21, 2012.

- 2.b. The encampment shall be located a minimum of 20 feet from the property line of abutting properties containing residential uses.**

We have planned the camp layout carefully to leave 20 feet between our property line and Tent City structures and residents. See attached camp layout.

- 2.c. Sight-obscuring fencing is required around the perimeter of the homeless encampment unless the Planning Director determines that there is sufficient vegetation, topographic variation, or other site conditions such that fencing would not be needed.**

There is a solid fence on the east and most of the south sides and of the property and the west side of the camp will be hidden by our building. For the privacy and comfort of Tent City resident's and our neighbors Tent City's portable site-obscuring fencing will be used to obscure the encampment from view on the north end of the property.

- 2.d. Exterior lighting must be directed downward and contained within the homeless encampment.**

No exterior lighting is planned.

- 2.e. The maximum number of residents within a homeless encampment is 100.**

Tent City4 will maintain a camp of 100 or fewer residents. Those seeking shelter above this number after the buses stop running will be allowed to stay until the buses start running or day break. Every effort will be made to try and find appropriate shelter elsewhere for these individuals. Bus tickets maybe used for residents being barred from the camp and people who would like to have joined the camp but were turned away.

- 2.f. Parking for five vehicles shall be provided.**

We have made arrangements for 5 vehicles to park in our parking lot. These parking spots will be marked as reserved for Tent City 4.

- 2.g. A transportation plan is required which shall include provision of transit services.**

Holy Spirit Lutheran Church serves as a Park and Ride and is ideally suited to offer excellent access to transit to the residents of Tent City4. The following Metro buses stop within one block of the Church: #234, #235, #244, #260 and #935. See attached map of transit routes. These routes connect with many other bus routes at busy Park and Rides on the Eastside and in downtown Seattle. The buses run everyday of the week including Sundays and Holidays.

Holy Spirit Lutheran Church already has a parking agreement in place with the Community Center on 124th Street. When our parking lot is filled, our members park at the Community Center and walk to Church on side walks and cross the street at a lighted cross walk. We will continue to offer shuttle service from the Community Center to the church on Sundays which are expected to be very busy, such as Easter.

- 2.h. The homeless encampment shall be located within one-half mile of transit services.**

Two bus stops are located within a block of the Church.

- 2.i. No children under 18 are allowed in the homeless encampment. If a child under the age of 18 attempts to stay at the homeless encampment, the managing agency shall immediately contact Child Protective Services.**

No children will be registered at the camp or become residents. Those under 18 will be turned away, except under exigent circumstances. Child Protective Services will be called within one working day of arrival.

- 2.j. No animals shall be permitted in encampments except for service animals.**

Only service animals are allowed in Tent City4.

- 2.k. A code of conduct is required to be enforced by the managing agency. The code shall contain the following as a minimum: 1) no drugs or alcohol 2) no weapons 3) no violence 4) no open flames 5) no loitering in the surrounding neighborhood 6) quiet hours.**

Every member of Tent City4 is required to live by the Code of Conduct which is strictly enforced. The code reads as follows:

We, the people of SHARE/WHEEL, In order to keep a more harmonious community, ask that you observe the following Code of Conduct: SHARE/WHEEL's Tent City4 is a drug and alcohol free zone. Those caught drinking or using drugs will be asked to leave. Sobriety is required. No weapons are allowed. Knives over 3 ½ inches must be checked in. Violence will not be tolerated. Please attempt to resolve any conflict in a creative and nonviolent manner. Degrading ethnic, racist, sexist or homophobic remarks are not acceptable. No physical punishment, verbal abuse or intimidation will be tolerated. We are a community. Please respect the rights and privacy of your fellow citizens. No men in the women's tents. No women in the men's tents. No open flames. No loitering or disturbing neighbors. No trespassing. Attendance of at least one of the several community meetings held through the week is required. Days and times will be posted so that you may work it into your schedule. If these rules are not respected and enforced, Tent City4 may be permanently closed.

The camp also enforces a quiet time 9:00 PM to 8:00 AM.

- 2.l. The managing agency shall ensure compliance with Washington State and City codes concerning but not limited to drinking water connections, human waste, solid waste disposal, electrical systems, and fire-resistant materials.**

Drinking water shall be provided by using the Church's water supply. Sufficient porta-potties are provided by SHARE/WHEEL and serviced three times per week along with a wash station for hand washing and wastewater. Tent City 4 owns a shower. SHARE/WHEEL provides a dumpster which is emptied twice a week. Electricity is required only for nighttime light for the security tent and several small appliances such as a coffee pot, microwave, television and shower. The camp will access Church electricity. No electricity is allowed in the sleeping tents.

- 2.m. The managing agency shall take all reasonable and legal steps to obtain verifiable identification from prospective encampment residents and use the identification to obtain sex offender and warrant checks from the appropriate agency. All requirements by the Kirkland Police Department related to identified sex offenders or prospective residents with warrants shall be met.**

Two security workers will be on duty at all times, and will check in all visitors at the camp's sole entrance. They will patrol the grounds in the camp, and the surrounding neighborhood. An executive Committee Member will also be on duty at all times. Security workers and the executive committee are responsible for ensuring that the Code of Conduct is upheld.

The Kirkland Police will be informed of all individuals barred or turned away from Tent City4 who appear likely to not leave the neighborhood peacefully, or who show the potential of loitering in the neighborhood.

Tent City4 will cooperate fully in any and all criminal investigations.

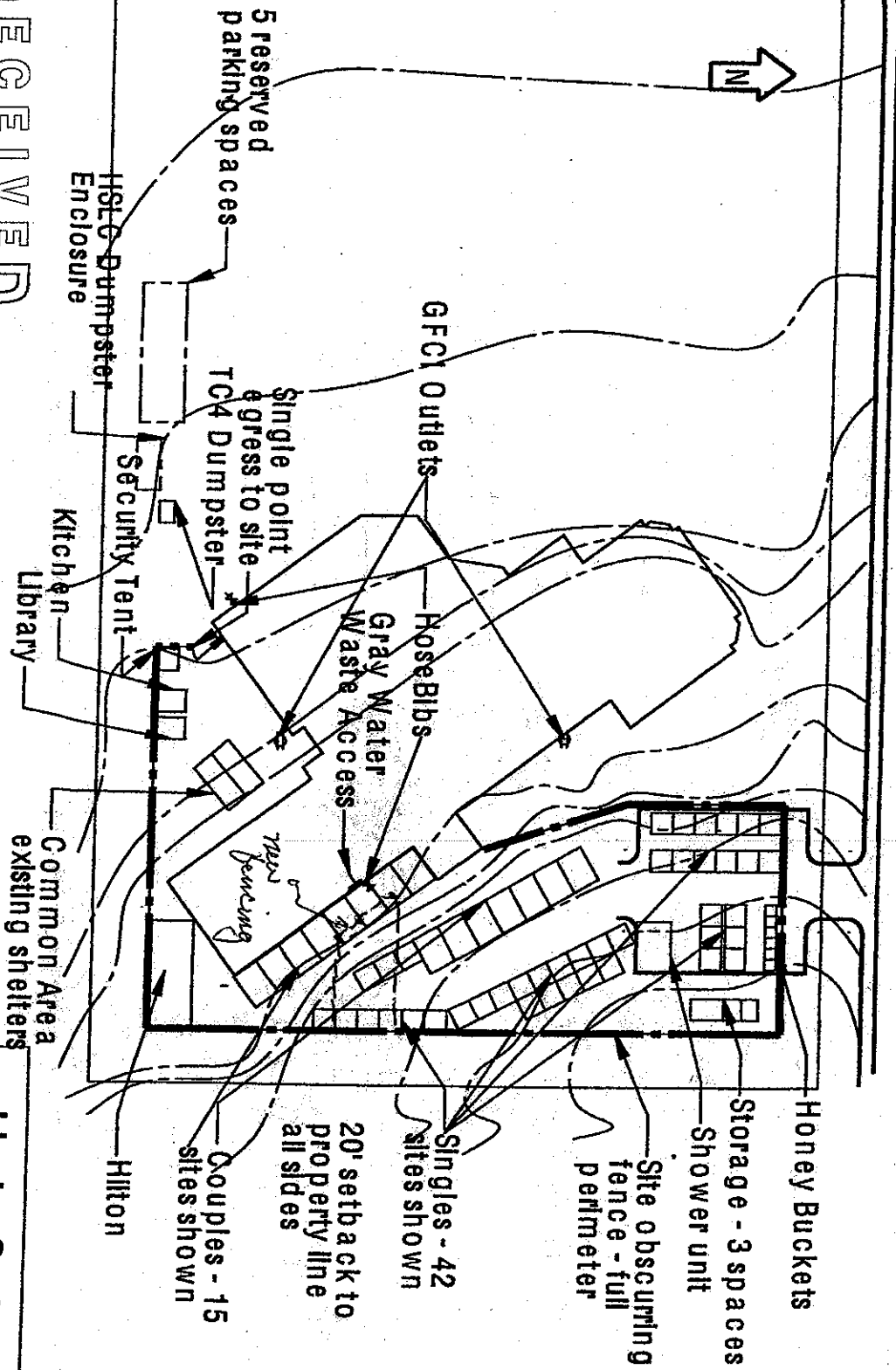
Neither Tent City4, at it previous locations, nor Tent City3, since its inception in March of 2000, has ever been materially detrimental to the public welfare, or injurious to the property or improvements in the immediate vicinity, in any way.

- 2n. The managing agency shall permit daily inspections by the City and/or Health Department to check compliance with the standards for homeless encampments.**

Inspectors will be welcome at anytime.

100th Ave NE

NE 124th St.



RECEIVED

NOV 23 2011

AM
PLANNING DEPARTMENT PM

BY

Holy Spirit Lutheran Church
Site Plan for TCA placement
~~11/23/2011 11:00 AM~~
Scale 1"=60'

Holy Spirit LC
Tent City 4
Site Plan

SIZE DWG. NO.

A

REV

A

SCALE: 1"=1' WEIGHT:

SHEET 1 OF 1

TENT CITY 4 SITE MAP

for Jan 2012

